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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,071	02/02/2000	Linda I. Hoffberg-Borghesani	LIH-14	7065
10037	7590	08/11/2009	EXAMINER	
MILDE & HOFFBERG, LLP			SALCE, JASON P	
10 BANK STREET				
SUITE 460			ART UNIT	PAPER NUMBER
WHITE PLAINS, NY 10606			2421	
			MAIL DATE	DELIVERY MODE
			08/11/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* LINDA I. HOFFBERG-BORGHESANI  
and STEVEN M. HOFFBERG

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Application No. 09/497,071  
Technology Center: 2400

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Mailed: August 11, 2009

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Before GLORIA HENDERSON, *Review Team Paralegal*  
*HENDERSON, Review Team Paralegal.*

**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

This application was electronically received at the Board of Patent Appeals and Interferences on August 10, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter(s) requiring attention prior to docketing are identified below.

CONSIDERATION OF APPEAL BRIEF

A review of the file indicates that the appellants filed an Appeal Brief on June 19, 2009, in response to an ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER filed June 18, 2009. However, there is no indication on the record that the examiner considered the Appeal Brief filed on June 19, 2009. Appropriate correction is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner:

- 1) for consideration and proper response to the Appeal Brief filed June 19, 2009; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

/GJH/

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